



## CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing on Public Improvement Reimbursement Agreement Charges

MEETING DATE: November 6, 1991

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That after a public hearing, the City Council discuss the recommended fees for preparation and processing Public Improvement Reimbursement agreements and adopt the resolution.

BACKGROUND INFORMATION: Developers are required to install water, sewer and drainage lines and street improvements necessary to serve their development. These improvements are made within the project and along the frontage of the parcel being developed thus parcels on the opposite side of the street then have those improvements available. Occasionally these improvements extend across other parcels. In either case, it is reasonable to require subsequent developers of the other parcels to reimburse the first developer for their appropriate share of the improvements. Although this reimbursement is not required by state law, it has been the City's practice to do so for many years.

In addition to the above scenario, developers are sometimes required to "oversize" a utility to provide "upstream" capacity. In this case, State law requires that the developer be reimbursed, either by the City or the upstream property.

The Development Impact Mitigation Fees address some of these issues, mainly oversize sewers, water mains and master storm drains required by the City Master Plans. The existing Municipal Code only addresses water and sewer extensions reimbursements and does not fully comply with state law.

A new ordinance introduced at the October 16 Council meeting does the following:

- 1) Creates a unified reimbursement procedure for improvements not covered under the Development Impact Mitigation Fees Ordinance;
- 2) Adds storm drainage and street installations as improvements eligible for reimbursement;
- 3) Repeals and/or amends existing code sections as needed to comply with the Development Impact Fee Study and the new Reimbursement Ordinance;
- 4) Provides for a public hearing process.

*Thos.*  
THOMAS A. PETERSON



Public Hearing on Public Improvement Reimbursement Agreement Charges  
November 6, 1991  
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The ordinance provides that the City charge the applicant for preparation of the agreement and separate a "collection charge" when the reimbursement(s) is collected. This more equitably spreads the City's costs. The ordinance provides that the preparation charge can be included in the reimbursable amount. The collection charge would then be a minor charge to prepare a bill, collect the reimbursement and process a check. It could occur once or numerous times depending on the number of parcels affected by the reimbursement agreement. The ordinance provides for these charges to be set by separate resolution. A draft of this resolution is attached as Exhibit A.

The recommended charges, based on Public Works staff time and expenses for advertising and mailing, are:


Agreement Preparation      reimbursable construction cost of the improvements, excluding engineering, administrative or other costs. And there is a \$500 minimum charge.

Collection Charge:      \$60

Based on the amounts of past agreements, most will pay the \$500 minimum.

Exhibits B and C summarize the type of reimbursements, source of funds and City charges.

FUNDING: None needed.

  
Jack L. Ronsko  
Public Works Director

Prepared by Richard C. Prima Jr., Assistant City Engineer

JLR/RCP/lm

Attachments

cc: City Attorney  
Mailing list

**A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING CHARGES FOR PREPARATION AND PROCESSING OF PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENTS**

WHEREAS, the Lodi City Council has adopted Ordinance No. \_\_\_\_\_ creating a procedure for preparation and processing of public improvement reimbursement agreements ; and

WHEREAS, said Ordinance provides that the council may adopt by resolution, charges for the City to prepare and process said agreements; and

WHEREAS, the cost to prepare and process such agreements have been estimated by the Public Works Director; and

WHEREAS, such information was available for public inspection and review 14 days prior to a public hearing.

NOW THEREFORE IT IS RESOLVED by the Lodi City Council that:

1. The City charge to prepare a reimbursement for installation of public improvements shall be one percent of the reimbursable construction cost of the improvements, excluding engineering, administrative and other costs with a minimum charge of \$500.00.
2. The minimum preparation charge shall be paid at the time the application for preparation of an agreement is made. The final charge, if any, shall be paid prior to execution of the agreement by the City.
3. The above charges are non-refundable.
4. Upon collection of reimbursements a processing charge of \$60.00 shall be deducted from each check issued to the applicant.
5. The fees adopted in this Resolution shall take effect 60 days after adoption.

I hereby certify that Resolution 91-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held \_\_\_\_\_ by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

ALICE M. REIMCHE  
City Clerk

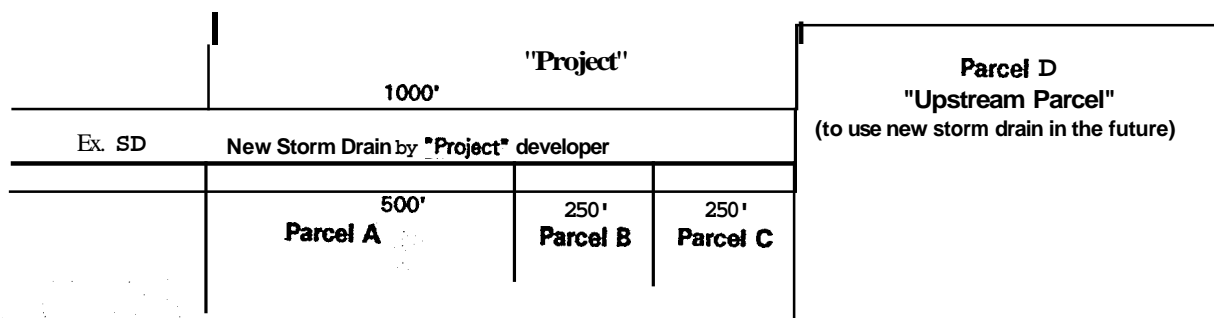
## Public Improvement Reimbursements

per new ordinance

	Sewer	Storm	Water	streets
<b><u>Normal sizes:</u></b>				
(Developer's responsibility if within development or reimbursable from "across the street" project per reimbursement agreement)	*6"	12"	*4"	50' Minor Res.
	8"	15"	6"	55' Std. Res.
	10"	18"	8"	60' Minor Col.
				66' Industrial
				68' Major Col. ( 2 lanes)
<b><u>Oversized:</u></b>				
(Eligible for reimbursement from upstream parcels per reimbursement agreement)	-	21"	-	-
	-	24"	-	-
(Reimbursable from Dev. Impact Mitigation Fund when req'd by Master Plan)	12" +	30" +	10" +	80' Sec. Arterial
				94' Minor Arterial
				118' Major Arterial (4 & 6 lanes)

- allowed in some circumstances per City Public Improvement Design Standards

**Exhibit C**



Public Improvement	Reimbursement:		From: A	B	C	D	City*	Total**
	Const. (examples)	City Fee						
12" - 18" SD	\$100,000	\$1,000	\$50,440	\$25,190	825,190	n/a	n/a	\$100,820
	\$50,000	\$500	\$25,190	812,565	\$12,565	n/a	n/a	\$50,320
	\$10,000	\$500	85,190	82,565	\$2,565	n/a	n/a	\$10,320
	\$1,000	\$500	\$690	\$315	\$315	n/a	n/a	81,320
21" - 24" SD	\$75,000	\$750	825,315	812,628	812,628	\$24,940	n/a	875,510
30" + SD (per Master Plan)	\$100,000	n/a	n/a	n/a	n/a	n/a	\$100,000	\$100,000

\* City reimbursement is from Development Impact Mitigation Funds

\*\* Total reimbursement does not include future year increases due to ENR index per ordinance.

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RESOLUTION NO. 91-206

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING CHARGES FOR PREPARATION AND PROCESSING OF  
PUBLIC IMPROVEMENT REIMBURSEMENT AGREEMENTS.

WHEREAS, the Lodi City Council is adopting Ordinance No. 1527 creating a procedure for preparation and processing of public improvement reimbursement agreements; and

WHEREAS, said Ordinance provides that the Lodi City Council may adopt by resolution, charges for the City to prepare and process said agreements; and

WHEREAS, the cost to prepare and process such agreements has been estimated by the Public Works Director; and

WHEREAS, such information was made available for public inspection and review 14 days prior to a public hearing.

NOW THEREFORE, BE IT RESOLVED by the Lodi City Council that:

1. the City charge to prepare a reimbursement agreement for installation of public improvements shall be one percent of the reimbursable construction cost of the improvements, excluding engineering, administrative and other costs with a minimum charge of \$500.00;
2. the minimum preparation charge shall be paid at the time the application for preparation of an agreement is made. The final charge, if any, shall be paid prior to execution of the agreement by the City;
3. the above charges are non-refundable;
4. upon collection of reimbursements, a processing charge of \$60.00 shall be deducted from each check issued to the applicant;
5. The fees adopted under this Resolution shall take effect 60 days from and after its passage and adoption.

Dated: November 6, 1991

I hereby certify that Resolution No. 91-206 was passed and adopted by the Lodi City Council in a regular meeting held November 6, 1991 by the following vote:

Resolution 91-206  
November 6, 1991

Ryes: Council Members - Pennino, Pinkerton, Sieglock, Snider  
and Hinchman (Mayor)

Noes: Council Members - None

Absent: Council Members - None

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

91-206

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RES91206/TXTA.02J



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: November 6, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk

Telephone: 333-6702

### CONTINUED NOTICE OF PUBLIC HEARING

November 6, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) Proposed Public Improvement Reimbursement Ordinance

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche  
City Clerk

Dated: October 16, 1991

Approved as to form:

Bobby W. McNatt  
Bobby W. Mc  
city Attorney



**A. FREDERIC BAKER**

**ATTORNEY AT LAW  
317 WEST LODI AVENUE  
LODI, CALIFORNIA 95240**

(209) 333-2881

**Fax (209) 334-6501**

November 6, 1991

Jack L. Ronsko  
Public Works Director  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95241-1910

**Re: Public Improvement Reimbursement Agreement Charges**

Dear Mr. Ronsko and Mr. Prima

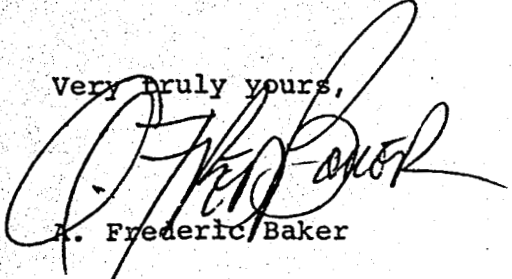
On my and on behalf of Chris R. Keszler, we wish to thank the Public Works Department for the opportunity to comment on the above topic.

I am writing because I do not know if we will attend the November 6, 1991 meeting of the City Council.

However, we have reviewed your proposal and wish to lend our support to it.

We wish also to thank you for your work in the past on our Reimbursement Agreement; re: Sunwest, which, but for such an agreement, Sunwest would not have been feasible.

Very truly yours,

  
A. Frederic Baker

AFB/lf  
cc: City Clerk

RECEIVED

91 NOV -6 AM 11:26

ALICE M. REIMCHE  
CITY CLERK  
CITY OF LODI